



Entered on Docket  
September 04, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
  
USA COMMERCIAL MORTGAGE COMPANY,  
  
USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>  
  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
  
USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>  
  
USA SECURITIES, LLC,<sup>3</sup>  
  
Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FOURTEENTH  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM BASED,  
IN WHOLE OR IN PART, UPON  
INVESTMENT IN THE BAY POMPANO  
BEACH LOAN**

Hearing Date: August 21, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1 The Court having considered the "Fourteenth Omnibus Objection of USACM Trust  
2 to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano  
3 Beach Loan" [Docket No. 7293] (the "Objection"); with appropriate notice of the  
4 Objection having been given; and good cause appearing:

5 **IT IS HEREBY ORDERED that:**

- 6 1. The Objection is sustained;
- 7 2. The claims listed on **Exhibit A** attached are allowed as general  
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted  
9 Principal. The remainder of those claims are disallowed to the extent  
10 they are based upon a Direct Lender investment in the Bay Pompano  
11 Beach Loan as shown on **Exhibit A**; and
- 12 3. To the extent the claims listed on **Exhibit A** are based upon  
13 investments in loans other than the Bay Pompano Beach Loan, this  
14 order does not affect them and the USACM Trust may file further  
15 objections.

16 **PREPARED AND RESPECTFULLY SUBMITTED BY:**  
17 **LEWIS AND ROCA LLP**

18 By /s/ Marvin Ruth (#10979)  
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APPROVED/DISAPPROVED

24 By Evelyn A. Ives  
25 Evelyn A. Ives  
26 Trustee of the Melvin J. & Evelyn A. Ives Qtip Trust



In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: Evelyn A. Ives	
<input checked="" type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ Marvin Ruth (#10979)

Rob Charles

John Hinderaker

Marvin Ruth

*Attorneys for USACM Liquidating Trust*

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Bay Pompano Beach Loan	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-00659	Piazza IRA, Cesari	1401 Monterey Dr Boulder City, NV 89005-2224	138,000.58	53,000.58	18,428.96	34,571.62
10725-02038	Collins Family Trust Dated 1/29/93	C/O Shirley M Collins Trustee 1975 Snowberry Ct Carlsbad, CA 92009-8408	1,760,380.48	113,197.08	18,428.96	94,768.12
10725-02063	Dery, James D & Ann R	Husband & Wife 10 Longmeadow Ln Beachwood, OH 44122	2,793,347.72	113,197.08	18,428.96	94,768.12
10725-02083	Yoder Defined Benefit Plan, Robert J	Robert J Yoder Trustee 12291 Prosser Dam Rd Truckee, CA 96161	177,487.64	113,197.08	18,428.96	94,768.12
10725-02085	Nancy R Davis Defined Benefit Plan	C/O Nancy R Davis Trustee 12291 Prosser Dam Rd Truckee, CA 96161	279,063.50	33,306.00	18,428.96	14,877.04
10725-02186	Melvin J & Evelyn A Ives Qtip Trust	Evelyn A Ives Ttee 220 First St #3 Seal Beach, CA 90740	330,509.00	56,229.00	18,428.96	37,800.04
10725-01997	KM Trust	C/O Aimee E Kearns Trustee 5886 N Bonita Vista St Las Vegas, NV 89149-3911	1,535,080.92	137,661.50	22,851.91	114,809.59
10725-02306	Menchetti, D G	Po Box 7100 Incline Village, NV 89452-7100	1,800,000.00	200,974.00	24,571.96	176,402.04
10725-02421	Melvin, Teri	2704 Chokecherry Way Henderson, NV 89014	1,227,122.82	150,929.44	24,571.96	126,357.48
10725-01169	Tomlin, Donald S	Donald S & Dorothy R Tomlin Ttee 7145 Beverly Glen Ave Las Vegas, NV 89110-4228	2,779,806.00	74,848.00	24,571.96	50,276.04

## EXHIBIT A